

ELECTIONS SASKATCHEWAN

Report of the Chief Electoral Officer
pursuant to subsection 5.1(6) of *The Election Act*,
1996 regarding actions taken during the
constituency of Saskatoon Meewasin by-election

March 2023



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March 24, 2023

The Honourable Randy Weekes
Speaker of the Legislative Assembly
Room 129, Legislative Building
2405 Legislative Drive
Regina, SK S4S 0B3

Mr. Speaker:

Pursuant to subsection 5.1(6) of *The Election Act, 1996*, (the Act), I submit to you, within six months of polling day, a written report respecting my actions pursuant to section 5.1 of the Act taken during the September 26, 2022, constituency of Saskatoon Meewasin by-election.

Respectfully submitted,

A handwritten signature in blue ink that reads 'Michael D. Boda'.

Michael Boda, D.Phil., Ph.D.
Chief Electoral Officer
Province of Saskatchewan

ELECTIONS SASKATCHEWAN

#301 – 3303 Hillside Street
Regina, Saskatchewan
Canada S4S 6W9

Telephone: 306.787.4000
Toll Free: 1.877.958.8683
Fax: 306.787.4052

Email: info@elections.sk.ca
Web: elections.sk.ca



Introduction

This report is written as per subsection 5.1(6) of *The Election Act, 1996* (the Act), requiring submission to the Speaker, within six months of polling day, a written report with respect to actions taken pursuant to section 5.1 of the Act. It focuses on actions taken pursuant to that section, specifically the testing of an alternate procedure, equipment or technology during a by-election. In this case, the Chief Electoral Officer (CEO) authorized three pilot projects during the constituency of Saskatoon Meewasin by-election.

Key dates for this by-election were:

August 29, 2022 – Writ of Election issued

September 10, 2022 – Nomination deadline

September 15, 2022 – Deadline to apply to Vote by Mail

September 20 – September 24, 2022 – Advance Voting

September 26, 2022 – Election Day & First Preliminary Count

September 28, 2022 – Second Preliminary Count

October 8, 2022 – Final Count

October 19, 2022 – Return to the Writ

Saskatoon Meewasin By-Election – Pilot Projects

Mr. Ryan Meili resigned his seat as MLA for the constituency of Saskatoon Meewasin effective midnight on June 30, 2022. Legislation requires that a by-election be held within six months of a seat in the Legislative Assembly becoming vacant.

Section 5.1 of the Act provides the CEO with authority to “direct the use of an alternate procedure, equipment or technology during a by-election.” This section was introduced upon recommendation by the CEO following the province’s 2016 general election.¹ A requirement of that same section is that, at least four weeks before the writ is issued for the by-election, the CEO must advise the Speaker of the Legislative Assembly and the Board of Internal Economy (BOIE) of the proposed alternate procedure, equipment, or technology along with a copy of the directive providing details. The directive must also be shared with registered political parties and posted to the Elections Saskatchewan website.

This requirement to inform stakeholders four weeks before the call of a by-election is somewhat problematic as by-elections are called by the Premier and the date is not typically publicly known in advance. This means that the CEO must ensure that his intended directives are finished and provided to stakeholders at least four weeks before

¹ *A Report on the Twenty-Eighth General Election*, Volume IV, Chief Electoral Officer’s Recommendations for Legislative Reform can be found on the Elections Saskatchewan website at <https://www.elections.sk.ca/reports-data/election-results/>.

a date that is not typically known. In practice, this means that Elections Saskatchewan must prepare and submit piloting directives as soon as possible after a seat becomes vacant.

The timing of this vacancy was advantageous for the CEO and Elections Saskatchewan as, at that same time, plans were being finalized for the final recommendations that would be included as part of Volume IV in *A Report on the Twenty-Ninth General Election*, Chief Electoral Officer's Recommendations for Legislative Reform. This report would serve as a vision document for the type of election that could be implemented in 2024, should legislators agree to implement the recommendations proposed by the CEO. The timing of the by-election meant that Elections Saskatchewan could test a number of the items that were being considered for inclusion in Volume IV.

Within two weeks of the seat becoming vacant, on July 13, 2022, the CEO provided the Speaker and the BOIE with three CEO Orders directing that a series of alternate procedures be followed during the upcoming by-election. Each CEO Order and the resulting adaptations are described below.

CEO Order 2022-001 – Vote by Mail

Absentee voting in Saskatchewan has traditionally been used to offer access to the ballot for voters who would be unable to attend an advance or election day voting location. In most elections prior to 2020, absentee voting has been a little used option, typically serving about 1 percent of all voters.

Elections Saskatchewan relied on a modified form of absentee voting, branded as "Vote by Mail" in the 2020 general election. During that event, the number of Vote by Mail (VBM) voters increased from about 4,400 in 2016 to roughly 56,500. The centralized process, which was designed in the few months between the onset of COVID-19 in the province (mid-March 2020) and the opening of the VBM application period (mid-August 2020) proved to be more efficient and more convenient for voters than the system prescribed in legislation.

During the last general election, the CEO was able to make modifications to the Act using the authority found in section 7 due to the presence of COVID-19. Those modifications were also captured in CEO Orders and were shared with stakeholders and publicly posted to our website. The process followed in the Saskatoon Meewasin by-election was very similar to that followed in October 2020, but the authority to modify the Act came from section 5.1 rather than section 7. There was one key difference between the VBM process used in the Saskatoon Meewasin by-election, however. In the 2020 general election, voters were "struck off" as having voted as soon as they applied to vote by mail. In this by-election, voters were struck off as having voted only after their VBM kit was received by Elections Saskatchewan. This increased integrity by ensuring that no one could vote twice – VBM ballots were not processed if the individual voted in

person. It also eliminated administrative work for election officials and voters by limiting the number of declarations that voters needed to make.

In addition to process changes, the existing absentee instructions, contained in section 88 of the Act were not in force for the by-election, including the ability for voters to cast an absentee ballot in person at the returning office. This has always been a little used voting opportunity that increases costs and returning office staffing requirements. Any voters who attended the returning office and asked to vote in this manner were assisted with applying to Vote by Mail or offered information on other in-person voting opportunities.

CEO Order 2022-002 – Voting Record

Under current legislation, election officials are required to work from two separate documents while administering voting – a voters list where voters are struck from (crossed off) and a poll book where the name and address of each voter is recorded, by hand, along with other relevant information. The process described in the Act is cumbersome and inefficient and involves a significant amount of handwriting, which slows down the voting process and results in errors.

During the by-election, Elections Saskatchewan piloted a new “voting record” which combined the voters list with the poll book into one document. Election officials no longer needed to write a voter’s name and address into the poll book after they voted. In addition, the voting record included a bar code that was scanned after polling day voting was complete. This allowed for a fully electronic list of who voted to be provided to candidates and registered political parties shortly after by-election day – something which was not administratively possible in previous elections.

The Voting Record also increased the integrity of the election process as it became much simpler and faster to ensure that no one can vote in person and by mail, a process that has traditionally been administratively burdensome for election management bodies. During the Saskatoon Meewasin by-election, the Voting Record was used only at by-election day voting locations.

CEO Order 2022-003 – Elimination of Poll Clerk Position

Traditionally, the poll clerk has been one of two election officials present at every voting station in the province (along with the deputy returning officer, or DRO). With the transition to a voting record (described above) as well as modifications to the advance voting process (described below), there was no longer a need for two election officials to be present at each station. The primary task of the poll clerk, writing down the name and address of every voter, was no longer necessary.

The introduction of technology (and for this by-election, the use of the Voting Record) will, over time, allow elections to be administered with fewer workers. This will help to

alleviate a consistent pressure point for election management bodies, that being the recruitment of a small army of short-term workers. The transition from a two-worker model to a one-worker model has been implemented in other jurisdictions, including the most recent federal Canadian general election.

Advance Voting Modifications

The three CEO Orders listed above represent the pilot projects Elections Saskatchewan undertook during the Saskatoon Meewasin by-election. As mentioned, these pilot projects were authorized by the CEO using the authority found in section 5.1 of the Act.

In addition to the pilot projects described above, the CEO used section 135.1 of the Act to modify the existing advance voting processes. Section 135.1(2) allows the CEO to direct the use of electronic poll books at advance polls and to modify the voting processes where necessary to allow for this change. This section does not have the same reporting requirements as section 5.1 does but these changes will be described in this report as they are linked to the modifications made as a result of the three pilot projects. While section 135.1 also allows vote counting equipment to be used during advance voting, there was no such technology used during the Saskatoon Meewasin by-election.

An electronic poll book is a type of software that runs on a laptop computer and allows an election official to complete activities such as voter strike off on the computer as opposed to on a paper form. A bar code reader attached to the computer can read the bar code printed onto a Voter Information Card (VIC), allowing voters to be quickly looked up within the system. If a voter does not bring their VIC, their name can be searched manually.

One key benefit of the electronic poll book technology is that it allows real time data on which voters have cast a ballot to be relayed electronically to candidates and political parties. This assists with campaigning activities and means that candidate representatives can focus on observing voting activities and not on relaying information manually collected to campaign headquarters.

In election administration, electronic poll books are typically paired with vote counting equipment. This helps to alleviate significant risks and provides greater efficiencies. For more discussion and consideration of this aspect of the use of this technology, see the Results of Pilot Projects and Overall Assessment section of this report.

Results of Pilot Projects & Overall Assessment

All three pilot projects, as well as the changes made to advance voting through section 135.1, were successful and offer valuable information for Elections Saskatchewan moving forward.

The results of each of the three pilot projects as well as the changes to advance voting are described in detail below.

CEO Order 2022-001 – Vote by Mail

The voting process created by this CEO Order is well tested in Saskatchewan, having been used in both the 2020 General Election and the February 2022 Athabasca by-election.²

There were some slight differences in how Elections Saskatchewan administered Vote by Mail during this by-election. These related to when voters were struck from the voters list as having voted and how Vote by Mail kits were prepared.

Traditionally, voters have been struck off as having voted as soon as they applied to vote by mail (or by absentee voting). This would sometimes cause issues if a voter applied to vote this way but then chose to vote in person, either because they did not receive their Vote by Mail package or because their circumstances changed and voting in person was their best option. Legislative changes made in 2019 enable any voter who had applied to vote by mail to cast a ballot in person after swearing an oath and completing a declaration that they had not voted twice. This alteration meant that electors who never received their ballot package, or who had their situation change during the by-election still had an opportunity to cast a ballot.

The new system is also better for voters as they can apply online from wherever they happen to be and do not need to visit a returning office to provide copies of their ID. Instead, ID can be scanned and uploaded and is then manually reviewed by an Elections Saskatchewan team member. For the Saskatoon Meewasin by-election, Elections Saskatchewan manually completed the packaging and mailing of Vote by Mail kits. However, during the 2020 General Election, this work was done by an external printing company because the volume would have been impossible for Elections Saskatchewan to manually process. The use of an external printer resulted in a variety of efficiencies of scale.

The CEO has recommended to legislators that he be granted the authority to implement a Vote by Mail system consistent with the successful pilot of the Saskatoon Meewasin by-election.

CEO Order 2022-002 – Voting Record













The Voting Record was a combination and redesign of two documents – the voters list and the poll book – into one. As described earlier, the poll clerk in previous elections was required to handwrite the name and address of every person who cast a ballot into

² As described earlier in this report, in the 2020 general election and the Athabasca by-election, Vote by Mail was implemented using the CEO's "emergency powers" found in Section 7 of the Act due to the ongoing impact of the COVID-19 pandemic. In the Saskatoon Meewasin by-election, Vote by Mail was authorized using section 5.1 of the Act which allows for the piloting and testing of alternate procedures, equipment or technology.

the poll book. That voter's name would also be crossed off the voters list. This process reflected a time when the voters list was only created shortly before election day through a door-to-door enumeration and there was simply no way to print custom lists for every polling division. The implementation of a Permanent Register of Voters makes a combined document such as the Voting Record a far better, and more efficient option.

The image below³ shows what the Voting Record for the Saskatoon Meewasin by-election looked like:

Voting Record for Election Day Voting

		(A) Cumulative Total (Carried forward from previous page)					
1	2	3	4	5	6	7	8
Sequence Number	Name	Home Address/Mailing Address	Postal Code	Declaration	Voted	Comment	Voter ID Number
13	ABDELKADIR ABDELKADIR	1000 SHUTTLEWORTH BLVD	S4X4G5				 28976902
14	ABDELKADIR ABDELKADIR	1000 SHUTTLEWORTH BLVD	S4X4G5				 51919701
15	ABDELKADIR ABDELKADIR	1000 SHUTTLEWORTH BLVD	S4X4G5				 28271801
16	ABDELKADIR ABDELKADIR	1000 SHUTTLEWORTH BLVD	S4X4G5				 39562722
17	ABDELKADIR ABDELKADIR	1000 SHUTTLEWORTH BLVD	S4X4G5				 28878097
18	ABDELKADIR ABDELKADIR	1000 SHUTTLEWORTH BLVD	S4X4G5				 58562617
19	ABDELKADIR ABDELKADIR	1000 SHUTTLEWORTH BLVD	S4X4G5				 47977579
20	ABDELKADIR ABDELKADIR	1000 SHUTTLEWORTH BLVD	S4X4G5				 28444080
21	ABDELKADIR ABDELKADIR	1000 SHUTTLEWORTH BLVD	S4X4G5				 34753734
22	ABDELKADIR ABDELKADIR	1000 SHUTTLEWORTH BLVD	S4X4G5				 50656822
23	ABDELKADIR ABDELKADIR	1000 SHUTTLEWORTH BLVD	S4X4G5				 43560787
24	ABDELKADIR ABDELKADIR	1000 SHUTTLEWORTH BLVD	S4X4G5				 25720918
		Page Total (B)					
		(A+B) Cumulative Total (Carry forward to top of next page)					

The bar codes on the right-hand side of the image allowed Elections Saskatchewan to quickly and accurately create a list of who had voted on by-election day and provide the data to candidates and registered political parties after the election. Previously, there was no way for Elections Saskatchewan to easily collect and make this data available.

A post by-election survey of deputy returning officers conducted by Elections Saskatchewan found that 92 percent (24 of 26) respondents said that the Voting Record was easy to use with one person saying it was manageable and one person saying it was difficult. None of the 26 respondents had any suggested changes or improvements to

³ The names and addresses pictured in this image are not actual voters in Saskatchewan but have been automatically generated and then blurred for illustrative purposes.

make to the Voting Record document. Several individuals did comment that the relatively low turnout on by-election day should also be taken into consideration when reviewing the piloted processes.

The CEO's long-term vision for voting in the province will see far less reliance on paper forms due to the presence of technology such as electronic poll books. That said, it is very likely that there will always be some locations which are too remote or too small for technology to be easily or efficiently deployed. In those cases, a combination of the voters list and poll book into the Voting Record, will be a far superior option to the traditional, legislated approach.

CEO Order 2022-003 – Elimination of Poll Clerk Position

The elimination of the poll clerk position at both advance and by-election day voting locations traces back to CEO Order 2022-002 creating the Voting Record and the changes made to advance voting using section 135.1. With those changes in place, it became feasible for one election official to administer voting during the advance period and on by-election day. This is a departure from the traditional model of administering voting, which has always required two workers per voting station to complete the necessary work.

One of the main responsibilities of the poll clerk has been to handwrite the name and address of every voter who casts a ballot. With technology at advance voting locations and the Voting Record at by-election day locations, there was no longer a compelling reason to continue using poll clerks. This change, from two election officials to one has begun to be made in many jurisdictions across Canada as better designed processes and technology have made it possible for one worker to complete all the required tasks.

It should be noted that while the Act does not specifically refer to the role of the poll clerk during the counting of votes or assign them any responsibilities, they have traditionally been tasked with assisting the deputy returning officer with this work. The presence of a second person for the counting of votes also provides an additional form of security and integrity to the results reporting process. During the Saskatoon Meewasin by-election, a second person, either a supervisory deputy returning officer, information officer, or another worker assisted every deputy returning officer in counting and recording votes cast for candidates.

There were no issues or problems encountered during the by-election because of the switch from two election officials to one. In fact, a post-election survey of workers found that 52 percent of deputy returning officers said that the workload was "busy, but manageable" while 48 percent said they "could have managed more" work.

Moving forward, this change will be closely examined to determine whether voting opportunities can be staffed by one election official moving forward. This change could reduce the number of workers that Elections Saskatchewan must recruit.

Advance Voting Modifications

As mentioned, the CEO is not required to report on the changes made to advance voting through section 135.1, but a brief assessment has been included for completeness and because several of the changes made impact the results of pilot projects.

For the most part, the use of electronic poll books at advance voting locations worked well with few issues. The system worked mostly as designed for all five days of voting and data was shared in real time with political stakeholders. A number of minor issues were encountered including difficulty in scanning barcodes of VICs that voters had stored on a phone or mobile device and intermittent internet issues at one location.

As mentioned earlier in this report, it is important to note that, in order to avoid risks that could undermine the administration and integrity of an election, electronic poll books have not typically been used without ballot tabulators. This paired approach is what the Chief Electoral Officer has recommended for future electoral events, as the efficiencies introduced by electronic poll books at the beginning of the process are matched by efficiencies introduced at the end of the process by vote counting equipment. The unique circumstances of a by-election, where the situation in the constituency can be closely overseen by head office, made this standalone use of electronic poll books feasible. The use of electronic poll books on their own during a larger event, such as a general election, would require careful consideration of the risks involved.

This by-election was an important test for the technology and will provide important real-life data that can be analyzed by Elections Saskatchewan and used to improve the administration of the next general election.

Notice to Required Stakeholders – Board of Internal Economy & Registered Political Parties

Subsection 5.1(4)(a) of the Act requires the CEO to advise the Speaker and the Board of Internal Economy (BOIE) of the intention to proceed with the use of alternate procedure, equipment or technology during a by-election at least four weeks before the writ for the by-election is issued.

On July 15, 2022, the CEO provided the Speaker and the BOIE with a copy of three CEO Orders containing directives allowing for the testing of Vote by Mail, a combined Voting Record and the elimination of the poll clerk position, in the pending Saskatoon Meewasin by-election. On that same day, the province's registered political parties were informed and provided a copy of the Orders attached to a CEO Communique.

Each CEO Order was also placed on the Elections Saskatchewan website at <https://www.elections.sk.ca/candidates-political-parties/bulletins-circulars/#ceo-orders>. A copy of the relevant CEO Orders and communique are included as Appendix A and Appendix B.

Appendix A

CEO Orders



ORDER No.	CEO ORDER 2022-001
Date	July 15, 2022
Date Revised	N/App
Subject	Vote by Mail
Reference	Section 5.1 of <i>The Election Act, 1996</i>
Provisions of <i>The Election Act, 1996</i> and <i>The Election Regulations</i> Impacted	Sections 86 – 89 of <i>The Election Act, 1996</i>
Intent	To pilot a Vote by Mail process during the Saskatoon Meewasin by-election

The Chief Electoral Officer has the authority, under section 5.1 of *The Election Act, 1996* (the Act) to direct the use of an alternate procedure, equipment or technology during a by-election. These directives are made through CEO Orders.

For the pending constituency of Saskatoon Meewasin by-election, which must be held, in accordance with *The Legislative Assembly Act, 2007* subsection 46(1) by December 31, 2022, the Chief Electoral Officer hereby directs that an alternate procedure, called Vote by Mail be piloted as an alternate procedure in accordance with the Act subsection 5.1(2). In accordance with subsection 5.1(4), this alternate procedure will be implemented should the by-election be called at least four weeks after the date of this CEO Order.

The Vote by Mail process piloted during Saskatoon Meewasin will be substantially similar to the Vote by Mail procedure used during the October 26, 2020 general election and the February 15, 2022 constituency of Athabasca by-election. For those events, the amended procedure was authorized by the Chief Electoral Officer under section 7 of the Act and section 2 of *The Election Act Regulations* which allowed the Chief Electoral Officer to declare that an emergency existed due to the COVID-19 pandemic for which no adequate provision was made by the Act. Further details can be found in Appendix “A” to this Order.

The purpose of this pilot is to continue to learn about the implementation of Vote by Mail as a voting opportunity in advance of the next general election in October 2024. A secondary purpose is to offer voters in Saskatoon Meewasin with a process that is more efficient than the process described in the Act.



CEO Order – Piloting Directive

The Chief Electoral Officer hereby directs that the absentee voting provisions under sections 86, 87, 88, and 89 of the Act be modified as set out in Appendix “A” to this Order and that measures be taken to implement the adaptations to the previously piloted Vote by Mail voting procedures in the manner set out in Appendix “A”.

For further clarity, the absentee voting process described in sections 86 to 88, including the “in person absentee voting process” will be suspended for the pending Saskatoon Meewasin by-election under this Order. Alternatively, voters will be directed to the Vote by Mail voting procedure or to an in-person voting opportunity.

This order is in effect for the constituency of Saskatoon Meewasin by-election, scheduled to be held before December 31, 2022.

A handwritten signature in blue ink that reads 'Michael D. Boda'.

DR. MICHAEL BODA
CHIEF ELECTORAL OFFICER
PROVINCE OF SASKATCHEWAN
JULY 15, 2022



APPENDIX A

ORDER NO.	CEO ORDER 2022-001
Date	July 15, 2022
Date Revised	N/App
Subject	Vote by Mail
Reference	Section 5.1 of <i>The Election Act, 1996</i>
Provisions of <i>The Election Act, 1996</i> and <i>The Election Regulations</i> Impacted	Sections 86 – 89 of <i>The Election Act, 1996</i>
Intent	To pilot a Vote by Mail process during the Saskatoon Meewasin by-election

As identified and ordered in CEO Order 2022-001, the Chief Electoral Officer hereby directs that the following provisions of specified sections of *The Election Act, 1996* (the *Act*) be modified in the following manner:

1. **Section 86:**

- a. For greater clarity, the definition of “absentee voter” in subsection 86(1) will include eligible voters who vote via the Vote by Mail (“VBM”) procedure established in CEO Order 2022-001.
- b. For greater clarity, any eligible voter who applies to Vote by Mail at the Saskatoon Meewasin by-election, and whose application is received no later than eleven days before polling day, shall be considered to have met the evidentiary requirements of subsection 86(2) of the *Act*.

2. Definition of “Returning Officer” and “Deputy Returning Officer”

- a. For the purposes of sections 86 to 89 and Part IV, Division E and Part V, the duties of the “returning officer” and “deputy returning officer” will be performed by the centralized “VBM Team” established by the Chief Electoral Officer and located at the head office of Elections Saskatchewan and any additional off-site location of Elections Saskatchewan used for the purpose of administering the Vote by Mail voting procedure. This administration shall include managing VBM-related software; receiving VBM applications; providing support and assistance to voters who have applied to Vote by Mail; adjudicating VBM applications; coordinating and overseeing compliance with required VBM voting and ballot acceptance procedures; reconciling and accepting or rejecting VBM ballot packages submitted by voters and counting accepted VBM ballots.

3. Section 87:

- a. For the purpose of subsection 87(1), satisfactory evidence of a voter’s identity and ordinary residence pursuant to section 72.1 must include one original piece of identification that:
 - i) shows the voter’s or individual’s photograph, name and address that matches the address listed on the application under subsection 87(1); and
 - ii) is issued by the Government of Saskatchewan, the Government of Canada or an agency of those governments.

If, however, the government issued piece of identification does not include an address, then a secondary piece of prescribed identification must be provided which establishes the voter’s or individual’s name and the voter’s or individual’s address which matches the address listed on the application under subsection 87(1).
- b. In addition to those procedures established in subsection 87(3), voters accessing the Vote by Mail voting procedures may apply to the Chief Electoral Officer on Election Saskatchewan’s external website through the Vote by Mail Application Portal (the “**Portal**”).
- c. Applications to be considered an absentee voter may be received by the Chief Electoral Officer no earlier than 7 months before polling day and at least 11 days before polling day.
- d. Upon receipt of an application to Vote by Mail pursuant to subsection 87(1) of the *Act*, the returning officer and the Chief Electoral Officer shall forward the application to the VBM Team for processing.

4. Section 88:

- a. Where the VBM Team is satisfied that the applicant is an absentee voter, the VBM Team shall comply with all of the procedures prescribed in section 88, with the following exceptions:
 - i) with respect to subparagraph 88(1)(a)(ii), the ballot paper will not be initialed by the returning officer or election clerk; and
 - ii) With respect to subsection 88(3), should the Chief Electoral Officer be instructed to issue the writ of election at least four weeks after the submission of this CEO Order, the name/address of each voter shall not be provided to the deputy returning officer for the applicable polling division immediately after the deadline of 11 days before polling day. Instead, the VBM Team shall provide the name and address of each VBM voter to the deputy returning officer for the polling division where the VBM voter is eligible to vote after the VBM Team receives the completed ballot package back from the voter.

5. Section 89:

- a. Where the VBM Team is satisfied that the Vote by Mail applicant is an absentee voter, the VBM Team shall comply with section 89 of the *Act*, with the following exceptions:
 - i) with respect to paragraph 89(2)(c) and subsections 89(4) and (5), a VBM certificate envelope shall be opened, and the ballot envelope contained within (which contains a marked ballot) shall be deposited by the VBM Team in the ballot box maintained at Elections Saskatchewan's Head Office;
 - ii) with respect to paragraph 89(2)(c) and subsections 89(4) and (5), all VBM certificate envelopes that are accepted and opened, and have their ballot envelope removed and placed in a ballot box, shall be retained, sorted and tracked; and
 - iii) with respect to paragraph 89(2)(d) and subsections 89(3) and (9), any unopened certificate envelope that is received before the deadline for receiving VBM ballots and is retained pursuant to paragraph 89(2)(d) will be placed in a separate secured container clearly labelled "rejected" maintained at Elections Saskatchewan's Head Office and these unopened certificate envelopes shall be sorted and tracked.

- b. With respect to subsections 89(7)-(8), there will be two separate counts of VBM absentee ballots:
- i) the Preliminary Count will include all VBM absentee ballots received up to the end of Day -1 and will take place from Day +2 to Day +9;
 - ii) the Final Count will include all VBM absentee ballots received from polling day (Day 0) to the end of Day +10 following polling day and will take place on Day +12;
 - iii) the counting of VBM ballots at the Final Count shall continue for as long as is required for completing the count of all accepted ballots in accordance with sections 147 and 151 of the *Act*; and
 - iv) except as modified by CEO Order, the VBM Team shall comply with the requirements of subsections 89(6)-(8) with respect to the Preliminary Count and the Final Count.
- c. For greater certainty, the VBM team will comply with the applicable requirements of Part V with respect to absentee ballots received through the VBM procedures, including subsections 141(15-22) and subsections 141(24-26).
6. For greater clarity, by this CEO Order, the Chief Electoral Officer has modified established voting procedures so that the “in-person absentee voting process” will be suspended.
7. For greater clarity, by this CEO Order, the Chief Electoral Officer has made no adaptations of voter identification requirements for in-person voting at Homebound, Advance or Regular polls.

ORDER No.	CEO ORDER 2022-002
Date	July 13, 2022
Date Revised	N/App
Subject	Implementation of Voting Record
Reference	Section 5.1 of <i>The Election Act, 1996</i>
Provisions of <i>The Election Act, 1996</i> and <i>The Election Regulations</i> Impacted	Sections 65, 66, 67, 69 – 73, 77, 78, 80, 81, 82, 141, 145, 159, 177, 205 and 206 of <i>The Election Act, 1996</i>
Intent	To pilot the implementation of a new form called a Voting Record and/or an Electronic Poll Book which consolidate the poll book and voters list during the Saskatoon Meewasin by-election

The Chief Electoral Officer has the authority, under section 5.1 of *The Election Act, 1996* (the Act) to direct the use of an alternate procedure, equipment or technology during a by-election. These directives are made through CEO Orders.

For the pending constituency of Saskatoon Meewasin by-election, which must be held, in accordance with *The Legislative Assembly Act, 2007* subsection 46(1) by December 31, 2022, the Chief Electoral Officer hereby directs that a modified process, called a Voting Record be piloted as an alternate procedure in accordance with the Act subsection 5.1(2). In accordance with subsection 5.1(4), this alternate procedure will be implemented should the by-election be called at least four weeks after the date of this CEO Order.

The Voting Record will be a new form which combines elements of the “poll book” (defined in section 2(1)(dd) of the Act) and the “voters list” (defined in section 2(1)(rr) of the Act). The Voting Record will improve the efficiency of voting procedures by eliminating a substantial amount of transcription and handwriting that the poll clerk is required to perform. This will make voting faster and eliminate transcription errors.

The purpose of this pilot is to continue to learn about how the administration of voting can be improved in advance of the next general election in October 2024. A secondary purpose is to serve voters in Saskatoon Meewasin with procedures that are more efficient than the procedures described in the Act and also have increased integrity. By allowing election

workers to complete strike off before Vote by Mail ballots are counted, it can be certain that no one could cast a ballot in person and by mail.

The Voting Record will be used at all polling day polls in the pending Saskatoon Meewasin by-election.

If the Chief Electoral Officer is instructed to issue a writ of election at least four weeks after the date of this CEO Order, advance poll voting will be conducted with modifications under section 135.1 of the Act to implement an electronic poll book which consolidates the paper-based poll book and voters list in electronic form. Should the Chief Electoral Officer be instructed to issue a writ of election before four weeks have passed since the submission of this CEO Order, advance poll voting will be conducted in the manner described in *The Election Act, 1996*.

The Chief Electoral Officer hereby directs that the references to a “voters list” and/or a “poll book” in sections 65, 66, 67, 69 – 73, 77, 78, 80, 81, 82, 141, 145, 159, 177, 205 and 206 shall be satisfied through the use of the “Voting Record” and/or the “Electronic Poll Book” described in this CEO Order.

For further clarity, references in the Act to a “voters list” or a “poll book” not included above, are not impacted by this CEO Order.

This order is in effect for the constituency of Saskatoon Meewasin by-election, scheduled to be held before December 31, 2022.

A handwritten signature in blue ink that reads 'Michael D. Boda'.

DR. MICHAEL BODA
CHIEF ELECTORAL OFFICER
PROVINCE OF SASKATCHEWAN
JULY 13, 2022

ORDER No.	CEO ORDER 2022-003
Date	July 13, 2022
Date Revised	N/App
Subject	Elimination of Poll Clerk position
Reference	Section 5.1 of <i>The Election Act, 1996</i>
Provisions of <i>The Election Act, 1996</i> and <i>The Election Regulations</i> Impacted	Sections 63, 66, 71, 72, 77, 78, 81, 82, and 85 of <i>The Election Act, 1996</i>
Intent	To pilot the implementation of a Voting Record in place of the voters' list and poll book during the Saskatoon Meewasin by-election

The Chief Electoral Officer has the authority, under section 5.1 of *The Election Act, 1996* (the Act) to direct the use of an alternate procedure, equipment or technology during a by-election. These directives are made through CEO Orders.

For the pending constituency of Saskatoon Meewasin by-election, which must be held, in accordance with *The Legislative Assembly Act, 2007* subsection 46(1) by December 31, 2022, the Chief Electoral Officer hereby directs that an alternate voting procedure be piloted whereby the Poll Clerk position is eliminated. In accordance with subsection 5.1(4), this alternate procedure will be implemented should the by-election be called at least four weeks after the date of this CEO Order.

The legislated duties of the poll clerk shall be performed by the deputy returning officer. This change will be possible due to the implementation of the Voting Record and /or the Electronic Poll Book under CEO Order 2022-002, as well as modifications to the advance voting procedures authorized under section 135.1 of the Act should the Chief Electoral Officer be instructed to issue the writ of election at least four weeks after the submission of this CEO Order.

The purpose of this pilot is to continue to learn about how the administration of voting can be improved in advance of the next general election in October 2024. A secondary purpose is to determine what efficiencies could be introduced to the administration of the voting process because of the implementation of technology.

The Chief Electoral Officer hereby directs that the duties assigned to a “poll clerk” under sections 63, 66, 71, 72, 77, 78, 82, and 85 shall be assigned to the deputy returning officer with necessary modifications. The duty under section 81, to have the poll clerk remain with the “unused ballot paper and the ballot box” while the deputy returning officer conducts curbside voting, shall be performed by a second election official inside of the voting location such as a supervisory deputy returning officer or an information officer.

While Section 141 of the Act does not specifically refer to the role of the poll clerk during the counting of votes, the position has typically observed the count and assisted with recording data. During this by-election, the deputy returning officer counting ballots will always be assisted by a second election official (e.g., information officer, supervisory deputy returning officer, etc.).

Should the Chief Electoral Officer be instructed to issue a writ of election before four weeks have passed since the submission of this CEO Order, advance poll voting will be conducted in the manner described in *The Election Act, 1996*, which includes the traditional deputy returning officer and poll clerk team of election workers. For further clarity, references in the Act to a “poll clerk” not included above, including during other voting opportunities such as Homebound voting, Hospital/Remand centre voting and personal care facility voting are not impacted by this CEO Order.

This order is in effect for the constituency of Saskatoon Meewasin by-election, scheduled to be held before December 31, 2022.

A handwritten signature in blue ink that reads 'Michael D. Boda'.

DR. MICHAEL BODA
CHIEF ELECTORAL OFFICER
PROVINCE OF SASKATCHEWAN
JULY 13, 2022

Appendix B

Stakeholder Communications



ELECTIONS SASKATCHEWAN



Saskatoon Meewasin By-Election Communique for Chief Official Agents Issue 1: July 15, 2022

Piloting Directives & Advance Voting Modifications

Piloting Directives – Saskatoon Meewasin

The Chief Electoral Officer has the authority, under section 5.1 of *The Election Act, 1996* (the Act), to direct the use of “an alternate procedure, equipment or technology” during the administration of a by-election. During the upcoming Saskatoon Meewasin by-election, which must be held, by legislation, no later than December 31, 2022, I have determined that Elections Saskatchewan will be piloting three alternate procedures.

By CEO Order, I am directing the following:

- **Vote by Mail:** A centralized Vote by Mail process consistent with the process Elections Saskatchewan followed during Saskatchewan’s 29th General Election, held on October 26, 2020;
- **New voting record:** The use of a new voting record at voting locations that combines the existing voters list and poll book into one document that also includes a unique ID barcode for each voter; and
- **Elimination of Poll Clerk:** The elimination of the poll clerk election official position.

The primary purpose of all these pilots described in this letter is preparing to offer a substantially modernized voting process during our 2024 election. The upcoming by-election is a key opportunity for Elections Saskatchewan to learn what works, and what doesn’t work as it prepares for a general election in 2024. And the limited scale of a by-election allows this to take place while still ensuring the integrity and security of the event.

The CEO Orders allowing for these pilot projects to move ahead are attached. Over the coming weeks and months, I will share more details on each of these pilot projects and what impact they will have on the processes that you are used to. I am very much looking forward to sharing the

results of these pilot projects with you as I look toward our next general election, scheduled for October 2024.

Advance Voting Modifications

In anticipation of administering a very different advance voting system in 2020, amendments were made to *The Election Act, 1996* that gave the Chief Electoral Officer broad authority to implement the use of electronic poll books and ballot tabulators at advance voting locations. While we ultimately did not use this authority in 2020, this by-election represents an excellent opportunity for Elections Saskatchewan.

Section 135.1(2) of the Act allows the Chief Electoral Officer to direct the use of electronic poll books at advance polls and to modify the voting processes where necessary to allow for this change. While section 135.1 does not have the same requirements to inform stakeholders as section 5.1, I am nonetheless informing you in advance and will keep you apprised at all times of what we are planning in this regard. I also expect that there may be opportunities for you to observe this technology in real time during the by-election – more information to come once we know dates and locations.

For clarity, I am not authorizing the use of vote counting equipment for this by-election. Preparations for testing and implementing the use of ballot tabulators would require more time than we have to prepare for the upcoming by-election.

Non-Legislated Pilot Projects

In addition to the formal pilot projects I am authorizing under section 5.1 of the Act and the advance voting modifications made possible by section 135.1, there are a number of other pilot projects that we are working on for this by-election that can be achieved through administrative changes alone.

In the coming weeks, I will provide you with a comprehensive list of what we will be doing that is different than past events and what impact it may have. We hope to roll out a number of items that will improve the service we offer to you, your candidates, their business managers, and our workers.



Dr. Michael Boda
Chief Electoral Officer
Province of Saskatchewan